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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CRAIG W. BARNETT, KAREN R. REISNER,
and MARK BRAUNSTEIN

Appeal 2009-006888
Application 09/451,558
Technology Center 3600

Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU R. MOHANTY, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 (2002) of the Examiner's final decision rejecting claims 47 to 69. We have jurisdiction over the appeal under 35 U.S.C. § 6(b) (2002).

We AFFIRM.

BACKGROUND

Appellants' invention is directed to an electronic distribution of secure money saving or discount coupons (Spec. 1).

Claim 47 is illustrative:

47. A coupon dispensing system, comprising:
 - a point of sale system including a terminal having a data reader for reading coupon redemption data, and a point of sale system memory for storing said coupon redemption data;
 - an electronic coupon dispenser including a memory for electronically storing a plurality of coupons, a user interface for permitting selection from said plurality of coupons from a coupon menu, and a printer for printing coupons selected at said user interface;
 - said electronic coupon dispenser including means for recording and storing coupon-related data based on at least one of coupons viewed at said user interface, coupons printed by said printer, and coupons redeemed at said point of sale system;
 - a communication link between said point of sale system and said electronic coupon dispenser for transmitting said coupon redemption data from said point of sale system to said electronic coupon dispenser; and
 - a central data base operatively connected to said electronic coupon dispenser for transmitting

said plurality of coupons and receiving said coupon-related data;

 said central data base communicating with said electronic coupon dispenser in response to first predetermined parameters, with said point of sale system via said electronic coupon dispenser in response to second predetermined parameters.

The Examiner relies on the following prior art reference as evidence of unpatentability:

Von Kohorn

US 5,227,874

Jul. 13, 1993

The Examiner made the following rejections:

1. Claims 47, 62, 63, and 68 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time the application was filed.²
2. Claim 69 under 35 U.S.C. § 102(b) as being anticipated by Von Kohorn.

ISSUES

Did the Examiner err in rejecting the claims under 35 U.S.C. § 112, first paragraph, because the Appellants' Specification discloses an electronic coupon dispenser that is formed by elements 2, 6, 8, 11, 14, and 16 operatively connected to the central data base?

² The Examiner has not included claims 48 to 61 and 64 to 67 in the statement of the rejections. (Ans. 3). However, as these claims depend from claims 47 and 63, we assume that this is an oversight and will treat these claims as rejected under 35 U.S.C. § 112, first paragraph as are claims 47 and 63.

Did the Examiner err in rejecting claim 69 under 35 U.S.C. § 102(b) because Von Kohorn does not disclose an electronic coupon dispenser which includes a memory for storing a plurality of coupons, a user interface, and a printer that has a communication link to a point of sale system?

FACTUAL FINDINGS

We adopt the Examiner's findings as our own. Ans. 6 to 7.

ANALYSIS

Written Description

We agree with the Examiner that Appellants' disclosure does not reasonably convey that the inventors had possession of (1) an electronic coupon dispenser that includes a memory and a printer and (2) a central data base operatively connected to the electronic coupon dispenser. The Examiner argues that the Appellants' Specification does not include a central database that communicates with a point of sale system via the electronic coupon dispenser. In the Examiner's analysis of the claim, coupon distributor 16 is the electronic coupon dispenser of claim 47. The Examiner finds that coupon distributor 16 does not include a printer and does not record information on the coupons redeemed at the point of sale (Ans. 8). In reply, the Appellants do not contest the finding by the Examiner that coupon distributor does not include a printer but rather assert that coupon distributor 16 alone does not comprise the electronic coupon distributor but that the following elements coupled together form the electronic coupon dispenser: coupon issuer (14), coupon distributor (16), database (11), online service provider (2), personal computer (6) and/or

printer (8) (Reply Br. 2). However, the Appellants also state that database (11) is the central data base (Reply Br. 4). Claim 1 requires a separate central data base which is operatively connected to the electronic coupon dispenser. As such, database 11 can not simultaneously be the memory of the electronic coupon dispenser and the central data base. Therefore, even if the electronic dispenser system is the combined elements as detailed by the Appellants, we agree with the Examiner that Appellants' Specification does not provide support for the claimed electronic coupon dispenser and central data base recited in claim 47. As such, we will sustain this rejection as it is directed to claim 47 and claims 48 to 61 dependent thereon.

We will also sustain the rejection as it is related to claim 62 because claim 62 also requires a separate electronic dispenser and central database. We will likewise sustain this rejection as it is directed to claim 63, and claims 64 to 67 dependent thereon, because the Appellants argue that the electronic coupon dispenser includes database 11 and that this database stores coupon data and data about coupon redemption. Thus, Appellants once again do not account for a central database separate from the electronic coupon dispenser.

Anticipation

We do not find Appellants' argument that Von Kohorn does not disclose (1) an electronic coupon dispensing system, (2) a memory for electronically storing a plurality of coupons, (3) a user interface for permitting selection from said plurality of coupons and (4) a printer for printing coupons persuasive. We agree with the Examiner that Von Kohorn discloses an electronic coupon dispensing system wherein persons receive

coupons in response to a task (col. 2, ll. 45 to 52). We also find that Von Kohorn also discloses a memory 330 for electronically storing a plurality of coupons (col. 76, ll. 49 to 59; Fig. 25) and a user interface for permitting selection of a plurality of coupons (col. 2, l. 65 to col. 3, l. 2). Von Kohorn also discloses a printer for printing coupons selected (col. 2, l. 65 to col. 3, l. 2; col. 10, ll. 15 to 21).

We also do not find Appellants' argument that Von Kohorn does not disclose a communication link between the point of sale system and the response unit persuasive. We agree with the Examiner that there is a communication link between the point of sale system 906 and the response unit or electronic coupon dispenser 206c through the data facility 904 and central station 202. We note that the claim does not require *direct* communication between the response unit and the point of sale system.

DECISION

We affirm the Examiner's § 112, fist paragraph rejection of claims 47, 62, 63, and 68.

We also affirm the Examiner's § 102(b) rejections of claim 69.

TIME PERIOD

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1) (2007).

AFFIRMED

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